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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,822	02/27/2002	Shaygan Kheradpir	01-1004	6524

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VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,822

Applicant(s)

KHERADPIR ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of claims 1-12, 16-17 in the reply filed on 4-29-05 is acknowledged.

Claims 18-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4-29-05.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make

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and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3, 7, 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “setting the one or more rules comprises receiving signaling information via the voice network” is not disclosed by the specification. Claim 1 claims the one or more rules are set by a first instant message. The specification discloses, on section [028] page 8 (amendment files on 5-5-03), the IM is an TCP/IP application (data network application). The IM is a data network application and is not a voice network application. Therefore, the setting of the one or more rules by using the IM cannot receive signaling information via a voice network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al (US: 6564261).

For claims 1, 5, 9, Gudjonsson et al teach on Fig. 9 communication devices associated with a voice network and a data network.

Gudjonsson et al teach on Fig. 26, connection server (claimed “unified communication manager”).

Gudjonsson et al teach on column 9 line 8-12, SIP (reads on claimed “instant messaging service”).

Gudjonsson et al teach on column 3 line 9-13, receiving users requests (claimed “first instant message”) for communication sessions and configuring how invitations are handled (reads on claimed “set one or more rules for responding to a communication attempt”).

Gudjonsson et al teach on column 3 line 14-63, how the connection is configured. Gudjonsson et al teach on column 3 line 19-22, a logic (claimed “one or more rules”). Gudjonsson et al teach on column 9 line 65 to column 10 line 7, the rules are based on an invitation for text chat (reads on claimed “based on information in the first instant message”).

Gudjonsson et al teach on column 13 line 5-18, a sending user (claimed “the user”) is provided a text chat invitation (claimed “second instant message”) when the communication session do get established (reads on “the rule is established as requested” and therefore reads on claimed “notification indicating the setting of the one or more rules”).

Regarding claims 2, 6, 10, Gudjonsson et al teach on column 8 line 57-63, determining whether the user is currently online or not.

Regarding claims 3, 7, 11, for a voice chat the signaling information must be received via a voice network.

Regarding claims 4, 8, 12, for a text chat the connection information must be received via a data network.

Regarding claim 16, Gudjonsson et al teach on column 15 line 60-61, forward (claimed “downloading”) the status change (claimed “code”) to the clients (claimed “at least one of the communication devices”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al, and in view of Matthews et al (US: 6584122).

All rejections as stated in claims 1 and 15 above apply.

Gudjonsson et al failed to teach “receiving a.....speech processor”. However, Matthews et al teach on column 17 line 51-53, a DSP (claimed “speech processor”) in a voice network.

It would have been obvious to one skilled at the time the invention was made to modify Gudjonsson et al to have the “receiving a.....speech processor” as taught by Matthews et al such that the modified system of Gudjonsson al would be able to support the system users a reliable processor to accurately process the call from a user.

Response to Arguments

5. Applicant's arguments filed on 4/29/05 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 10, regarding SIP. As Applicant clearly referenced – RFC3428 “Session Initiation Protocol (SIP) Extension for instant Messaging”, the SIP is for the instant messaging service. Also, per Newton’s Telecom Dictionary, 20th Edition, the “SIP” is an emerging standard for instant messaging of real-time communication on the Internet.
- ii) Applicant argues, on page 11, regarding Gudjonsson does not describe that the messages involved in establishing the communications channel. The reference as the Examiner cited (column 9 line 65 to column 10 line 7), user A sends an invitation (the SIP) to user B. The SIP is the application layer protocol for the IM. Therefore, the SIP is a part of the IM. The SIP sets the connection request (routing logic) from user A to user B.

Conclusion

6. The prior art made of record and not replied upon is considered pertinent to applicant’s disclosure.

- Schlener et al (US: 6182157).

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally

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be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

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Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600